

# Instructions and Information For Requesting Fee Arbitration

## INSTRUCTIONS

1. **READ** the *Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California*.
2. **COMPLETE** both pages of the *Client's Request for Arbitration of a Fee Dispute* form. If necessary, include additional pages to describe the fee dispute. **Sign and date the form. An incomplete form will be returned to you.** If you are initiating the fee dispute because you received a *Notice of Client's Right to Arbitration* from the attorney, **a returned form will effect your filing date.** The filing date is the day that our office receives your completed form. If you do not file by the 30-day deadline as stated in the notice, you will have waived your right to arbitration, thereby allowing the attorney to sue you to collect the fees. If you do not understand any part of the form or if you need help in completing it, please telephone our office and speak to a staff member who will help you.
3. **MAIL:** ☐ The **complete original** *Client's Request for Arbitration of a Fee Dispute* form and any supporting documents that you wish to submit, accompanied by an additional:
  - **four (4) copies of the original form and your supporting documents if the disputed amount is less than \$10,000;**
  - OR-
  - **six (6) copies of the original form and your supporting documents if the disputed amount is \$10,000 or more;**☐ A check or money order for the filing fee;  
☐ **To:   The State Bar of California  
Mandatory Fee Arbitration Program  
180 Howard Street, 6<sup>th</sup> Floor  
San Francisco, CA 94105-1639**

## OTHER INFORMATION

1. **HEARINGS.** Fee disputes involving \$1,000 or less are decided without a hearing by the Presiding Arbitrator or an Assistant Presiding Arbitrator based on the pleadings. Each party must submit all supporting documents and a complete written statement of the reasons for the dispute under penalty of perjury. If the amount in controversy is less than \$1,000 but more than \$500.00, any party may request that the parties appear at a hearing, either in person or telephonically, before the Presiding Arbitrator or Assistant Presiding Arbitrator assigned to the matter in addition to providing the written information required (Rule 20.3).
2. **WHO CAN REQUEST ARBITRATION.** Only the person or entity represented by the attorney can request arbitration. If someone else is being charged for the fees, the client must make the request and include that person as a party. Both the client and the other party must sign the request form (Rule 1.12).
3. **STAY OF PROCEEDINGS.** If you have been sued, you may stay the action by filing a *Notice of Automatic Stay* form with a copy of your completed request for arbitration with the court and the attorney (Rule 8.0) . You may call this office for the appropriate form to notify the attorney and the court that the action has been stayed pending arbitration.
4. **WAIVER OF PERSONAL APPEARANCE.** If you cannot attend the hearing, you may waive your personal appearance (Rule 26.0) and have the matter decided on the documents submitted or have someone appear for you. If you wish to waive your personal appearance or if you want someone else to appear for you, you must complete a *Waiver of Personal Appearance* form. Please contact this office and ask that one be mailed to you.

## IMPORTANT NOTICE

Rule 10.1 of the *Rules of Procedure* states the grounds on which the State Bar of California will accept a matter for arbitration. You should keep this rule in mind when giving your answer to question #11 on the *Client's Request for Arbitration of a Fee Dispute* form. If your answer to question #11 does not comply with Rule 10.1, you should contact the local bar association's fee arbitration program immediately (or call us for a referral). If you send your request to the State Bar of California without a valid reason for using this program, your request will be returned to you, and you may lose your right to arbitration.

August, 2003